

Under certain circumstances, under the Federal Rules of Civil Procedure and Hague Convention, a foreign defendant whose physical address cannot be learned can be served by other means reasonably calculated to reach the defendant, including by email. Specifically, if a plaintiff “exercise[s] reasonable diligence to discover a physical mailing address” for a defendant but is nevertheless unable to find a physical address, then a Court may allow service to be accomplished by email reasonably calculated to reach the defendant. *Cawthon v. Zhousunyijie*, 2024 WL 1156073, at *4 (S.D.N.Y. Mar. 18, 2024).

The Court therefore directs Plaintiff to file a letter within 60 days that either: (a) provides a viable mailing address for the Defendant; or (b) explains the steps Plaintiff took in exercising reasonable diligence to discover Defendant's mailing address and seeks an order directing that service be made through alternative means. To the extent it is applicable, the ninety-day deadline to serve the Defendant under Federal Rule of Civil Procedure 4(m) shall run from the date Plaintiff files that letter with the Court. If Plaintiff does not file that letter within 60 days or request an extension of time to do so, the Court may dismiss the claim against Defendant for failure to prosecute.

SO ORDERED.

Dated: April 15, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge